



Docket No.: 213930US0PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/926,163
Applicants: Takashi SHIBATA, et al.
Filing Date: December 21, 2001
Allowed Date: February 24, 2004
For: SORBITOL DEHYDROGENASE, GENE ENCODING
THE SAME AND USE THEREOF
Group Art Unit: 1652
Examiner: Yong Pak

SIR:

Attached hereto for filing are the following papers:

**Petition Under 37 C.F.R. 1.181; Copy of Date-stamped Filing Receipt, Information Disclosure
Statement and PTO Form 1449 filed March 4, 2003**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon



Thomas M. Cunningham

Registration No. 45,394

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)



DOCKET NO: 213930US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TAKASHI SHIBATA, ET AL. : EXAMINER: YONG PAK
SERIAL NO: 09/926,163 : ALLOWED DATE: FEBRUARY 24, 2004
FILED: DECEMBER 21, 2001 : GROUP ART UNIT: 1652
FOR: SORBITOL DEHYDROGENASE, :
GENE ENCODING THE SAME AND USE
THEREOF

PETITION UNDER 37 C.F.R. 1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants hereby petition the Commissioner pursuant to 37 C.F.R. 1.181 to invoke supervisory authority to make the application available to the Examiner for formal acknowledgement of an uninitialed document (Europe 0 897 984) on the information disclosure statement filed March 4, 2003. For the Examiner's convenience a copy of Form 1449 from this information disclosure statement is attached to this petition.

Applicants do not believe that any petition fee is due. However, in the event any variance exists between the required petition fees and this amount, please charge or credit the difference to our Deposit Account No. 15-0030.

Respectfully submitted,

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Thomas M. Cunningham, Ph.D.
Registration No. 45,394



COPY

MS

OSMM&N File No. 213930US0PCT

Serial No. 09/926,163

In the matter of the Application of: Takashi SHIBATA, et al.

For: SORBITOL DEHYDROGENASE, GENE ENCODING THE SAME AND USE THEREOF

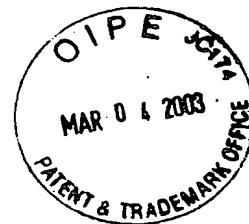
Dept.: PP

By: NFO/shb

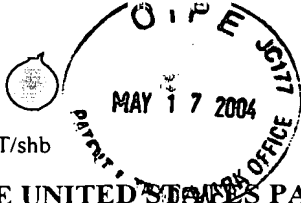
Due Date: 03/14/03

The following has been received in the U.S. Patent Office on the date stamped hereon

- ☒ Dep. Acct. Order Form
- ☒ Information Disclosure Statement
- ☒ Cited References (3)
- ☒ Search Report EUROPEAN
- ☒ PTO-1449



Docket No. 213930US0PCT/shb



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Takashi SHIBATA, et al.

SERIAL NO: 09/926,163

GAU: 1646

FILED: December 21, 2001

EXAMINER:

FOR: SORBITOL DEHYDROGENASE, GENE ENCODING THE SAME AND USE THEREOF

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

• Applicant(s) wish to disclose the following information.

REFERENCES

- ☐ The applicant(s) wish to make of record the references cited in the attached European Search Report listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☐ A check is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- ☐ Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- ☐ A check is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- ☐ Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- ☐ Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



22850

Norman F. Oblon

Registration No. 24,618

Form PTO 1449
(Modified)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.

SERIAL NO.

213930US0PCT

09/926,163

LIST OF REFERENCES CITED BY APPLICANT

APPLICANT

Takashi SHIBATA, et al.

FILING DATE

GROUP

December 21, 2001

1646

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AO	0 897 984	02/24/99	EUROPE		
	AP					
	AQ					
	AR					
	AS					
	AT					
	AU					
	AV					

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW	T. SHIBATA, et al., Journal of Bioscience and Bioengineering, vol. 89, no. 5, pages 463-468, XP-002226528, "CLONING OF A GENE FOR D-SORBITOL DEHYDROGENASE FROM GLUCONOBACTER OXYDANS G624 AND EXPRESSION OF THE GENE IN PSEUDOMONAS PUTIDA IFO3738", May 2000				
	AX	Derwent Abstracts, AN-1981-33652D, XP-002226529, JP 56-029994, March 25, 1981				
	AY					
	AZ					

☐ Additional References sheet(s) attached

Examiner

Date Considered

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.